

APPEAL NO. 020425
FILED APRIL 15, 2002

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). A contested case hearing (CCH) was held on January 24, 2002. The hearing officer resolved the sole disputed issue by deciding that the appellant's (claimant) compensable left shoulder injury of _____, did not extend to include the claimant's alleged injury to her cervical spine at levels C3 through C7. The claimant appealed the hearing officer's decision on sufficiency grounds, and also argued that the CCH was "unfairly against" her. The respondent (carrier) responded, urging that the hearing officer's decision and order be affirmed in its entirety.

DECISION

Affirmed.

We first address the claimant's allegation that the CCH was somehow unfair to her. Upon a complete review of the record, we find no evidence of bias or prejudice towards the claimant, and so find that the complaint in that regard is insupportable.

The hearing officer did not err in determining that the claimant's compensable left shoulder injury of _____, did not extend to include a cervical spine injury at levels C3 through C7. The hearing officer decided that because the claimant's testimony about her mechanism of injury and about her alleged reporting the cervical injury to her doctors was not credible, and because the claimant's medical records lack comment on a cervical injury until almost a year after the date of injury, the claimant failed to meet her burden of proof. The parties presented conflicting evidence regarding each issue. The hearing officer is the sole judge of the weight and credibility of the evidence. Section 410.165(a). We conclude that the hearing officer's decision is supported by sufficient evidence and that it is not so against the great weight and preponderance of the evidence as to be clearly wrong and unjust. Cain v. Bain, 709 S.W.2d 175 (Tex. 1986).

The hearing officer's decision and order are affirmed.

The true corporate name of the carrier is **LIBERTY INSURANCE CORPORATION** and the name and address of its registered agent for service of process is

**CT CORPORATION
350 NORTH ST. PAUL STREET, SUITE 2900
DALLAS, TEXAS 75201.**

Terri Kay Oliver
Appeals Judge

CONCUR:

Gary L. Kilgore
Appeals Judge

Robert E. Lang
Appeals Panel
Manager/Judge